

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

KATHLEEN M. KELLY : CIVIL ACTION  
: :  
v. : :  
: : No. 09-1641  
NATIONAL LIABILITY & FIRE :  
INSURANCE COMPANY : :

**ORDER**

AND NOW, this 9<sup>th</sup> day of July, 2010, “Defendant’s Motion for Summary Judgment under Fed. R. Civ. P. 56(b)” (docket no.19) is granted. Judgment is entered in favor of defendant and against plaintiff on Counts I and II of plaintiff’s complaint. Additionally, defendant’s counterclaim for declaratory judgment is granted, and it is declared that:

1. Brian Gill was not an insured under the subject National policy for the May 13, 2005 automobile accident between Gill and plaintiff (“the accident”);
2. National did not owe a defense to Gill for the accident;
3. National does not owe any indemnification on behalf of Gill or plaintiff for the accident;
4. National did not act in bad faith in handling the claim presented to it by Gill arising from the accident;
5. National is not liable for attorneys’ fees, costs, or any bad faith damages arising from the claim presented to it by Gill arising from the accident.

BY THE COURT:

/s/ Edmund V. Ludwig  
Edmund V. Ludwig, J.